

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, } 8:16CR193
Plaintiff, }
vs. } ORDER
NESTOR ALVAREZ, }
Defendant. })

This matter is before the court on the motion for an extension of time by defendant Nestor Alvarez Alvarez (Filing No. 27). Alvarez seeks an additional fourteen days in which to file pretrial motions in accordance with the progression order. Alvarez's counsel represents that Alvarez will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Alvarez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Alvarez's motion for an extension of time (Filing No. 27) is granted. Alvarez is given until **on or before August 15, 2016**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between July 28, 2016, and August 15, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. The **trial date of August 30, 2016, is canceled** and will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline set forth above.

DATED this 1st day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge